

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation; AMAZON.COM SERVICES LLC, a Delaware limited liability company; and THE THOUGHT & EXPRESSION CO., INC., a Virginia corporation,

Plaintiffs,

v.

AMANDEEP SINGH, an individual; and BHUSHAN KUMAR, an individual; and DOES 1-10,

Defendants.

No. 2:24-cv-01464-LK

**DECLARATION OF SCOTT
COMMERSON IN SUPPORT OF
PLAINTIFFS' *EX PARTE* MOTION
FOR ALTERNATIVE SERVICE**

I, Scott Commerson, declare and state as follows:

1. I am a Partner at the law firm Davis Wright Tremaine LLP, which represents Plaintiffs Amazon.com, Inc., Amazon.com Services LLC (collectively, "Amazon"), and The Thought & Expression Co. d/b/a Thought Catalog ("Thought Catalog," and with Amazon, "Plaintiffs") in the above-titled litigation. I am over 18 years of age. The statements made below are true to the best of my knowledge and belief. I make them in support of Plaintiffs' *Ex Parte* Motion for Alternative Service.

2. Both before and since filing the Complaint (Dkt.1), Plaintiffs have conducted substantial investigation into the following Amazon selling accounts through which Defendants

1 Amandeep Singh (“Singh”) and Bhushan Kumar (“Kumar”) (collectively, “Defendants”) sought
 2 to advertise, market, sell, and distribute their infringing Thought Catalogue books: (1) Augstin
 3 Retail, (2) Borning, (3) Smarktabs, and (4) Golden Store (collectively, the “Selling Accounts”).
 4 These efforts include: (1) working with investigators in the United States and in India to research
 5 information and documents that Defendants provided to Amazon when they registered their
 6 Selling Accounts; (2) researching information about the Defendants in public and proprietary
 7 databases; and (3) inspecting a physical address in India that was purportedly associated with
 8 Defendant Kumar, as described below. This investigation revealed that Defendants sought to
 9 evade Amazon’s seller verification processes by providing Amazon with misleading or
 10 fraudulent identifying documents and information in connection with their Selling Accounts. The
 11 investigation also indicated that Defendants likely reside at unknown locations in India.

12 3. In a further effort to identify and locate Defendants, on February 26, 2024,
 13 Plaintiffs obtained account and transactions information from third party Payoneer Inc.
 14 (“Payoneer”) related to virtual bank accounts that Defendants provided to Amazon when they
 15 registered their Selling Accounts in order to receive and transfer proceeds from their sale of
 16 products in the Amazon.com store (the “Amazon Store.”) Payoneer’s information revealed that
 17 Singh registered Payoneer bank accounts linked to the Augstin Retail, Borning, and Smarktabs
 18 Selling Accounts, and that Kumar registered a Payoneer bank account linked to the Golden Store
 19 Selling Account.

20 4. The Payoneer information also disclosed a potential physical address for Singh:
 21 1312 17th Street, Unit 2229, Denver, CO 80202. However, on August 22, 2024, Plaintiffs’
 22 investigation determined that this address is a PostNet rental mailbox and is therefore unsuitable
 23 for service of process. Plaintiffs’ investigators have been unable to identify any other known
 24 address for Singh in India or elsewhere despite diligent efforts.

25 5. The Payoneer information disclosed a potential physical address for Kumar:
 26 Ground Floor, House No 385 B, Gali No 6, Kh No 771 and 772, Block K, New Delhi, India
 27 110037. In August 2024, Plaintiffs’ private investigators in India investigated this address,

1 physically inspected the residence located at this address, and interviewed a person at the
 2 residence who stated that a person other than Kumar resided at the address. Plaintiffs'
 3 investigators have been unable to identify any other known address for Kumar in India or
 4 elsewhere despite diligent efforts.

5 6. The Payoneer information further disclosed that the overwhelming majority of IP
 6 addresses from which each Defendant accessed their respective Payoneer account traced back to
 7 India. The Payoneer information also showed that nearly all of the bank accounts linked to
 8 Singh's Payoneer account are with banks located in India, and that the sole bank account linked
 9 to Kumar's Payoneer account is with a bank located in India.

10 7. We believe Defendants' email addresses, listed below, are active. As explained in
 11 the concurrently-filed Declaration of Rob Garrett, Defendants registered certain emails to access
 12 Amazon's Seller Central and to do business in the Amazon Store. On October 9, 2024, our law
 13 firm caused test emails to be sent to Defendants, via each of the emails listed in the Declaration
 14 of Rob Garrett. These test emails apprised Defendants of the lawsuit and contained courtesy
 15 copies of the Amended Complaint, the Civil Cover Sheet, and the Summonses. Our firm did not
 16 receive any error notices, bounce back messages, or other indications that the emails failed to
 17 deliver the following email addresses registered to the following Defendants: Defendant Singh's
 18 registered email addresses, retailagustin@gmail.com, borningllc.panorama@gmail.com, and
 19 smarktabs.panorama@gmail.com; and Defendant Kumar's registered email address,
 20 goldenstore.panorama@gmail.com.

21 8. Subject to the Court's permission, Plaintiffs will serve Defendants using an online
 22 service for service of process, RPost (www.rpost.com) that provides proof of authorship, content,
 23 delivery, and receipt to the following email addresses controlled by Defendants:

- 24 • Defendant Amandeep Singh: retailagustin@gmail.com,
 25 borningllc.panorama@gmail.com, and smarktabs.panorama@gmail.com.
- 26 • Defendant Bhushan Kumar: goldenstore.panorama@gmail.com.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge.

3
4 EXECUTED this 16th day of October, 2024, at Los Angeles, California.

5
6 
Scott Commerson